

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROCK FERRONE, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 05-303
)	
v.)	Chief Judge Ambrose
)	Magistrate Judge Caiazza
DAN ONORATO, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

For the reasons that follow, the stay in this case will be lifted, the discovery Motions revived and resolved, and a new case management order entered.

On April 2, 2007, the court entered a text-only Order staying this case and denying without prejudice the parties' discovery Motions. The undersigned concluded that judicial economy would be served by holding this litigation in abeyance pending the Third Circuit mediation in Civil Action No. 05-484, scheduled to occur in late May 2007.

Upon further reflection, the court concludes that it does not have the luxury of maintaining the stay. This case has been pending for over two years (since March 2005), and moving forward is consistent with both the Court's Mission Statement and its reporting obligations to the public. See <http://www.pawd.uscourts.gov> (Court's mission includes providing "timely and economical resolution of legal proceedings within the court's jurisdiction"); 28 U.S.C.A. § 476(a)(3) (United States Courts

"shall prepare a semiannual report, available to the public, that discloses for each judicial officer . . . the number and names of cases that have not been terminated within three years after filing").

Accordingly, the stay entered in this case (see text-only Order of April 2, 2007) is **LIFTED**. The parties' discovery Motions hereby are revived, and ruled upon as follows:

- (a) the Plaintiffs' Motion to permit additional depositions (**Doc. 35**) is **GRANTED**, consistent with the interests of justice and the need for truth-finding;
- (b) the Plaintiffs' Motion to compel (**Doc. 40**) is **GRANTED** and, within seven days of today, RAAC shall make available for inspection those materials responsive to the Plaintiffs' subpoena; and
- (c) the Defendants' Motion to compel (**Doc. 42**) is **GRANTED** and, within seven days of today, the Plaintiffs shall cure the deficiencies in their responses to the Defendants' First and Second Requests, as identified by Defense counsel.

In addition, the court hereby establishes the following case management deadlines:

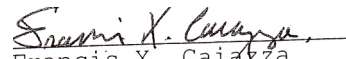
- (1) discovery in this case, including any and all computer forensic efforts by the parties to preserve and/or access the Defendants' email data, shall be completed by June 4, 2007;
- (2) summary judgment motions shall be filed on or before July 9, 2007; and
- (3) responses to summary judgment motions shall be filed on or before August 9, 2007.

In light of the three-year period for the final disposition of cases endorsed by Congress, the court does not anticipate granting extensions of the aforementioned deadlines.

Accordingly, the parties are encouraged to move forward with this litigation with all practicable diligence and expedience.

IT IS SO ORDERED.

April 17, 2007


Francis X. Caiazza
U.S. Magistrate Judge

cc (via email):

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